

### **REMARKS**

Reconsideration is requested.

The Examiner interview of November 6, 2006 is acknowledged, with appreciation. The statement of the Interview Summary is accurate in briefly summarizing the issues discussed during the interview.

The details of claims 36, 45 and 51 have been added to claim 31, without prejudice. Claims 36, 45 and 51 have been canceled, without prejudice. Claim 67 has been amended to restate the amounts as weight percentages and to express the total amounts of sodium lauryl ether sulphate (i.e., 17g ... comprising 70% active material, or 11.9g), cocoyl betaine (i.e., 6g ... comprising 32% active material, or 1.92g) and ethanol (i.e., 10g ... (95/96%), or 9.5-9.6g). No new matter has been added.

Claims 31, 32, 37-42, 44, 46 and 52-67 are pending.

The Office Action dated October 25, 2007 states that the applicants previously-submitted comments "have been considered but are moot in view of the new grounds of rejection". See page 15 of the Office Action. The applicants note however that except for a new reliance on Mueller (U.S. Patent No. 5,631,003) in rejecting a newly presented claim 67 (added in the Supplemental Amendment of August 28, 2006), the rejections of the Office Action dated October 25, 2006 are based on the same combinations of references applied in the Office Action of January 18, 2006. The Examiner is requested therefor to substantively respond to the applicants previously-submitted comments and the following in the event the Examiner continues to reject any of the claims.

The Section 103 rejection of claims 31, 32, 37-46, 51 and 57-61 over the combination of U.S. Patent No. 4,722,837 (Cameron), JP 07-18946 (Hirota) and The

Handbook of Cosmetic Science and Technology, is obviated by the above amendments. Specifically, claim 31 has been amended to advance prosecution to include the details of claim 36 (which depended from claim 31), which has been indicated as being patentable over Cameron, Hirota and The Handbook of Cosmetic Science and Technology. Withdrawal of the Section 103 rejection.

The Section 103 rejection of claim 55 over Cameron, Hirota, The Handbook of Cosmetic Science and Technology, and U.S. Patent No. 5,378,731 (Andrews), is obviated by the above amendments. Claim 55 is dependent from claim 31 and now includes the details of claims 36, 45 and 51, which are patentable (i.e., have not been rejected) over the combination of Cameron, Hirota, The Handbook of Cosmetic Science and Technology, and Andrews. Withdrawal of the rejection is requested.

The Section 103 rejection of claims 52-54 and 56 over Cameron, Hirota, The Handbook of Cosmetic Science and Technology and U.S. Patent No. 5,661,118 (Cauwet), is obviated by the above amendments. Claims 52-54 and 56 are dependent from claim 31 and now includes the details of claims 36, 45 and 51, which are patentable (i.e., have not been rejected) over the combination of Cameron, Hirota, The Handbook of Cosmetic Science and Technology and Cauwet. Withdrawal of the rejection is requested.

The Section 103 rejection of claim 36 over Cameron, Hirota, The Handbook of Cosmetic Science and Technology, and U.S. Patent No. 5,998,395 (Kligman), is moot in view of the above. The claims, which include the details of unamended claim 31 and now-canceled claims 36, 45 and 51, are patentable over Cameron, Hirota, The Handbook of Cosmetic Science and Technology, and Kligman.

The Section 103 rejection of claim 67 over Cameron, Hirota, The Handbook of Cosmetic Science and Technology, Kligman, Cauwet and Mueller (U.S. Patent No. 5,631,003), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

As discussed with the Examiner during the interview, and as described previously in the record, the claimed compositions allow for effective penetration of the claimed active principle while not having the disadvantages of other compositions of prior art. The claimed compositions provide a quality foam which also possesses a suitable fluidity. The suitable fluidity of the claimed invention is obtained with the specifically claimed combination of anionic and amphoteric surfactants and of propenetrating agent in the claimed amounts and with the particularly claimed weight ratio of anionic surfactant and the propenetrating agent.

As acknowledged by the Examiner, Cameron does not specifically teach the claimed propenetrating agent or the combination of anionic and amphoteric surfactants of unamended claim 31. See page 4 of the Office Action dated October 25, 2006. Cameron fails to teach or suggest the clobetasol 17-propionate of pending claim 31. This particular active principle is not disclosed or suggested in any of Hirota, Andrews and Cauwet.

Furthermore, the product of Cameron contains components such as foam builders which are not acceptable in shampoos for treating the hair and/or the scalp.

Hirota belongs to the art consisting of the hair care such as the suppression of dandruff and itching. However, the applicants believe that Hirota neither teaches nor

suggests the particular nature of the active principle of the invention nor the range of propenetrating agent such as that claimed.

The applicants further submit that Hirota teaches compositions containing 10-90 weight percent ethanol and a proportion of polyalkylene glycol monoalkyl ethers of 0.1-5% by weight, leading to a total proportion of propenetrating agent greater than 10 weight %. There is no suggestion in the cited art to use the presently claimed amount. In fact, Hirota is understood to exemplify compositions comprising from 14 to 54 weight percent ethanol and polyalkylene glycol monoalkyl ethers, leading one away from the presently claimed invention.

The Examiner is understood to believe that it would have been obvious to one of ordinary skill in the art to have provided ethanol and/or ethoxydiglycol of Hirota in a composition of Cameron. The applicants submit however that the use of alcohol has an adverse effect on the foam produced by the surfactants of the composition according to the invention, as demonstrated in the attached comparative tests.

If one of ordinary skill in the art had added ethanol to a composition of Cameron, a viscosity suitable for a shampoo nor an appropriate foaming power would have been obtained, as confirmed by the attached comparative tests. The composition C according to Cameron had a measurable viscosity of 68.2 P., whereas composition D became too liquid such that the viscosity was too low and could not be measured (see table 3, page 4 of the declaration).

The results as regards the foaming power were also poor when ethanol was added to a composition C according to Cameron (see composition D) whereas the

addition of ethanol had no impact on the foaming power of compositions according to the invention (Clobex<sup>®</sup> shampoo and composition A) and of composition B.

The foaming power of composition D (composition according to Cameron including ethanol) is worse than that of the claimed composition, in spite of the presence of foam builders and foam stabilizers in the Cameron composition. Thus, even in the absence of these foam stabilizers and builders, and in the presence of ethanol, the compositions according to the invention (Clobex<sup>®</sup> shampoo and composition A) kept their foaming power and requested viscosity, which is unexpected and surprising.

Moreover, in view of the cited documents teaching each either the use of surfactants or propenetrating agent, there is neither indication nor suggestion which would have led one of ordinary skill in the art to use a combination of anionic and amphoteric surfactants with a propenetrating agent, and consequently to the particular weight ratio of active material of anionic surfactant/propenetrating agent.

The particular amounts of the specific components of the invention and the particular weight ratio allow production of foaming power and penetration of the active principle, resulting in efficiency of the composition for treating in particular psoriasis, even if the composition according to the invention is rinsed out after its application.

The teaching of Kligman relates to the combination of a corticoid and retinoid in the form of a product which does not contain any surfactant and any propenetrating agent. Kligman fails to teach or suggest the specific active agent of the claims.

Therefore is no motivation in the cited art to make or use the claimed compositions.

The claims are submitted to be patentable over the art of record and withdrawal of the Section 103 rejections are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:                     /B. J. Sadoff/                      
                    B. J. Sadoff  
                    Reg. No. 36,663

BJS:  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100